

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ENDO PHARMACEUTICALS INC.,  Plaintiffs,  v.  ROXANE LABORATORIES, INC.,  Defendant.	C.A. No. 13-cv-3288-TPG
ENDO PHARMACEUTICALS INC.,  Plaintiff,  v.  RANBAXY LABORATORIES LTD., RANBAXY INC., AND RANBAXY PHARMACEUTICALS INC.,  Defendants.	C.A. No. 13-cv-04343-TPG  C.A. No. 13-cv-08597-TPG

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS’  
MOTION *IN LIMINE* TO EXCLUDE UNQUALIFIED  
TESTIMONY OF REZA FASSIHL, PH.D.**

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Endo's opposition to Defendants' motion *in limine* as well as the accompanying Declaration of Reza Fassihi, Ph.D. are instructive for what they do not say rather than what they actually say. Defendants do not dispute that Dr. Fassihi is a pharmacist. The opinions that Defendants seek to preclude Dr. Fassihi from testifying about are not the subject matter of a pharmaceutical scientist or pharmacist. The claim limitations and subject matter about which Defendants seek to preclude Dr. Fassihi from testifying are those pertaining to "[t]he method of treating pain in a human subject." These claim limitations pertain to the subject matter of a medical doctor – someone who treats patients, and more particularly, someone who treats patients for pain. What Endo fails to address is that Dr. Fassihi conceded that: (1) he is not a physician; (2) he has never prescribed a drug; and (3) he has never prescribed an opioid. *See* Sudentas Decl. Ex. 4, Fassihi Dep. at 32:3-8. Further, Endo states that "Dr. Fassihi is an expert on modified release dosage forms." Endo Opp. at 6. But, even common sense tells us that being a pharmaceutical expert on modified release dosage forms is a far cry from being a medical doctor or an expert in diagnosing and treating patients.

For the reasons set forth above and in Defendants' March 6, 2015 Memorandum in Support of Defendants' Motion *in Limine* to Exclude Unqualified Testimony of Reza Fassihi, Ph.D., the Court should grant Defendants' motion and exclude and/or limit unqualified testimony of Reza Fassihi, Ph.D.

Dated: March 19, 2015

Respectfully Submitted,

/s/Alan B. Clement

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**CERTIFICATE OF SERVICE**

I, Paul B. Sudentas, hereby certify that on March 19, 2015, a true and correct copy of the foregoing REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION IN LIMINE TO EXCLUDE UNQUALIFIED TESTIMONY OF REZA FASSIHI, PH.D. was electronically served by email upon the following counsel:

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